

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

In the Matter of:

**Rocklin Todd Hoover**  
License No. PT.1717

**ORDER**

Respondent

This matter came before the Board of Physical Therapy Examiners ("Board") for a final order hearing on October 11, 2012, as a result of the Memorandum of Agreement dated September 28, 2012. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§ 40-45-120; 40-1-90, -120, and -170, as amended, and the provisions of the Administrative Procedures Act (the APA), S.C. Code Ann. § 1-23-10, *et seq.* (1976), as amended. Erin Baldwin, Assistant General Counsel, represented the State. The Respondent appeared, and was represented by J. Todd Rutherford, Esquire.

The Respondent was charged with violations of S.C. Code Ann. § 40-1-110(1)(f) and (l), and S.C. Code of Regs. 101-13, Principles 1 and 3 (as amended).

**FINDINGS OF FACT**

1. The Respondent is duly licensed as a Physical Therapist in South Carolina under license number PT.1717. He was first licensed by the Board on August 28, 1991. The Respondent's credential status with the Board is active, with the last renewal date effective December 28, 2010, and expiring December 31, 2012.
2. Respondent treated a female sixteen year old patient for properly ordered physical therapy during April and May of 2011 at the facility co-owned by him, Sumter Physical Therapy Clinic.
3. At the conclusion of the last visit of the course of physical therapy, Respondent gave this patient his cell phone number. Respondent and patient exchanged text messages, continuing

until patient's mother confronted Respondent and requested that he not have any further contact with her daughter.

4. On or about August 11, 2011, Respondent sent a letter via email to Investigator Cheryl McNair of LLR alleging that his involvement with the patient was purely via text message and telephone, and that nothing of a sexual nature occurred between him and the patient. Neither patient nor her mother alleges any inappropriate touching occurred with the Respondent and patient.
5. On or about December 2, 2011, the Board issued a private Order Requiring Evaluation. On or about January 20, 2012, the Board issued an Order of Temporary Suspension based on Respondent's failure to schedule said evaluation. On or about February 16, 2012, the Board issued an Interim Order of Reinstatement allowing Respondent to return to practice with certain restrictions and safeguards in place. Respondent reserves the right to all legal remedies as to the past events and orders issued by the Board, while acknowledging the fact that the orders of the Board were issued.
6. In March and April of 2012, Respondent was evaluated by staff members at the Medical University of South Carolina, Sexual Behaviors Clinic and Laboratory (MUSC). The opinion rendered by Dr. Leonard W. Mulbry, Jr., on June 11, 2012, is that the Respondent did not meet the criteria for any mental disorder and "is fit to continue the practice of Physical Therapy." MUSC did make certain recommendations for consideration "to minimize any future questions about intentions or boundaries," including:
  - a. "A structured and formal program for review of professional boundaries. [...] A review of appropriate boundaries might be useful."
  - b. "In order to avoid any further question concerning behaviors, the use of a chaperone might be considered. This might serve to protect the public, as well as Mr. Hoover against any further questions or allegations."

- c. "Attention to maintaining rigid boundaries in off hours communications is always appropriate. Avoidance of giving out a personal cell phone numbers [sic], or encouraging personal communication with patients prevents questions of abuse of the professional relationship."
7. On or about June 7, 2012, Respondent was heard by the Board on his Motion to Rescind or Set Aside the Order of Temporary Suspension. The Board denied that motion. Respondent filed a Motion to Reconsider the Board's denial of his motion.
8. Respondent has made changes to his practice by amending staff policies to specifically prevent non-chaperoned patient encounters, avoid giving out personal cell phone numbers, and require documentation of non-business communication after hours.

#### **CONCLUSIONS OF LAW**

Based upon careful consideration of the facts in this case, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. § 40-45-10 *et seq.* or § 40-1-110, may revoke, suspend, restrict the practice of a licensee, impose an administrative fine not exceeding \$2,000.00 per violation (not to exceed \$10,000 total), all with or without terms, conditions or limitations. Further, upon finding that grounds for discipline exists, S.C. Code Ann. § 40-1-120 provides that the Board has the authority to do the following: issue a public reprimand; impose a fine not to exceed five hundred dollars; place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs; permanently revoke a license; and impose the reasonable costs of the investigation and prosecution of a case.

2. Respondent violated S.C. Code Ann. §§ 40-1-110(1)(f) and (l), and S.C. Code of Regs. 101-13, Principles 1 and 3 (as amended).
3. The sanctions imposed are designed not to punish Respondent, but to protect the life, health, and welfare of the public at large.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

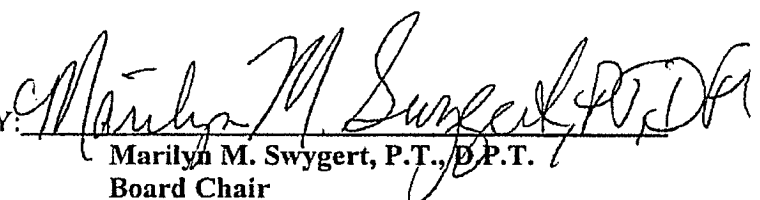
1. The Memorandum of Agreement and Stipulations is ACCEPTED.
2. Respondent is hereby publicly reprimanded.
3. Respondent shall enroll in a structured and formal program for review of professional boundaries, subject to the Board Chair's approval. This course will be taken within six months of October 11, 2012.

**AND IT IS SO ORDERED.**

**SOUTH CAROLINA DEPARTMENT OF LABOR,  
LICENSING & REGULATION**

**BOARD OF PHYSICAL THERAPY EXAMINERS**

BY:

  
Marilyn M. Swygert, P.T., D.P.T.  
Board Chair

Nov. 20, 2012

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BEFORE THE STATE BOARD PHYSICAL THERAPY EXAMINERS**

In the Matter of:

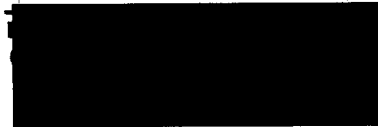
**Rocklin Todd Hoover**  
License No. PT.1717

Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused to be served the within **Order and Order (Respondent's Motion to Rescind)** upon the persons hereafter named, by placing the same in an envelope, securely wrapped, in the United States Mail, via first class mail, properly addressed to the said persons hereafter named, at the places and addresses stated below, which are the last known addresses for the same:

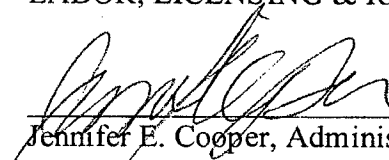
Todd Rutherford, Esq.  
The Rutherford Law Firm, LLC



Rocklin Todd Hoover



SOUTH CAROLINA DEPARTMENT OF  
LABOR, LICENSING & REGULATION

  
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11/21

, 2012